

such question in difference shall be referred by them to an umpire, to be chosen by such arbitrators before they proceed with the reference to them, and the joint and concurrent award of the said arbitrators, or the separate award of the said umpire when the said arbitrators cannot agree, shall be binding and conclusive upon both parties. And this Agreement may be made a rule of court by either of the said parties hereto.

32. And lastly, for the due and faithful performance of all and singular the covenants, conditions, provisoes, clauses, articles, and agreements, hereinbefore contained, which, on the part and behalf of the contractors, are or ought to be observed, performed, fulfilled, and kept, the said William Inman, Thomas Langton Birley, and Charles Inman, do hereby bind themselves, their heirs, executors, and administrators, and each of them doth hereby bind himself, his heirs, executors, and administrators, unto our Sovereign Lady the Queen, in the sum of 3,000 *l.* of lawful money of the United Kingdom, to be paid to our said Lady the Queen, her heirs and successors, by way of stipulated or ascertained damages, hereby agreed upon between the Governor of Newfoundland and the said William Inman, Thomas Langton Birley, and Charles Inman, in case of the failure on the part of the contractors in the due execution of this Agreement or any part thereof. In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said  
William Inman, Thomas Langton Birley,  
and Charles Inman, in the presence of

*J. E. Gray Hill,*  
Solicitor,  
10, Water-street, Liverpool,

WILLIAM INMAN.

L. S.

T. LANGTON BIRLEY.

L. S.

CHARLES INMAN.

L. S.